

# **DD7 McCann Exh 6**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

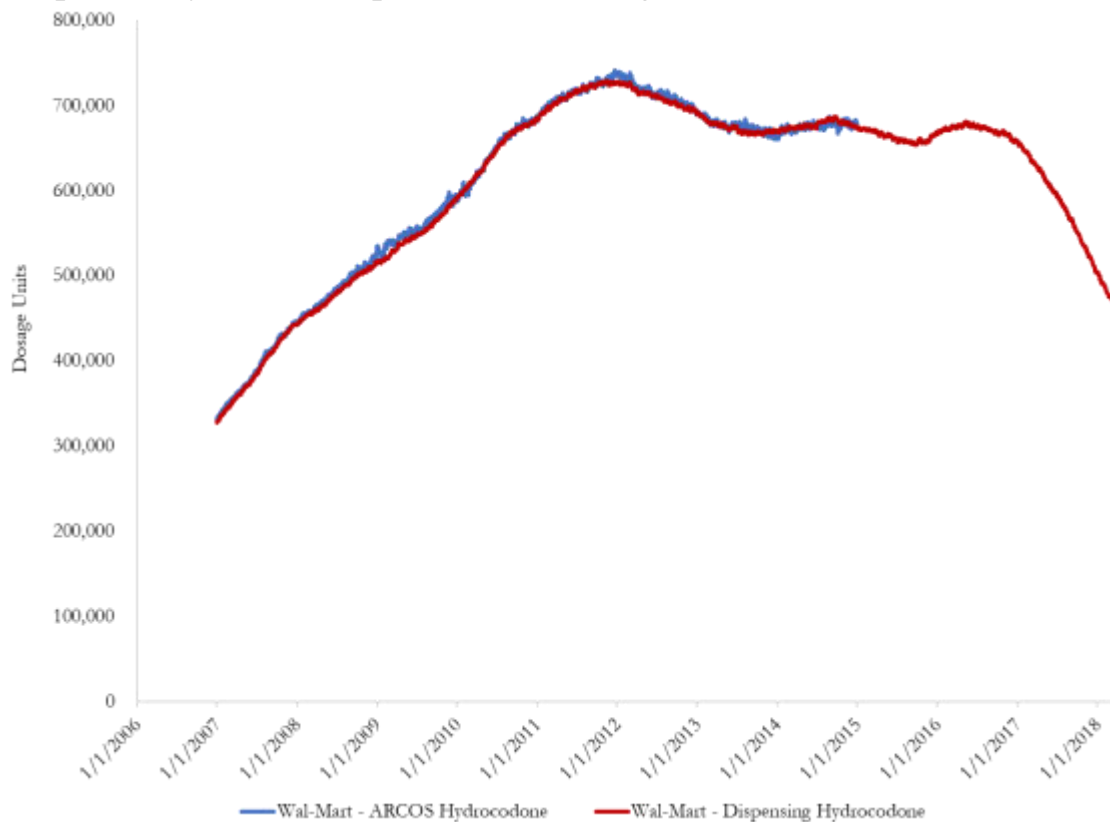
IN RE NATIONAL	:	MDL No. 2804
PRESCRIPTION OPIATE	:	
LITIGATION	:	CASE NO. 1:17-MD-2804
<b>Lake County and Trumbull</b>	:	
<b>County, OH Case</b>	:	

EXPERT REPORT OF CRAIG J. MCCANN, PH.D., CFA

April 16, 2021

211. Figure 35 shows the rolling 365-day hydrocodone shipment into Wal-Mart pharmacies (from January 2007 to December 2014) and hydrocodone dispensed by the same pharmacies (from January 2007 to April 2018).

Figure 35 Rolling 365-day Hydrocodone Shipment into and Hydrocodone Dispensed by Wal-Mart pharmacies, Dosage Units



## **X. Red Flags on Dispensing Data**

### **A. 43 Red Flags**

212. I have been asked to apply non-exhaustive set of algorithms to identify prescriptions meeting specified criteria using the Dispensing Data.<sup>44</sup> I calculated the results separately for each of the methodologies described below.<sup>45</sup> For Methods 17-36 and 38-43, I was asked to identify sets of prescriptions that meet certain criteria and to flag prescriptions dispensed within 30 minutes of the first dispensed prescription which caused the set of prescriptions that meet each criteria.<sup>46</sup>

- 1) An opioid was dispensed to a patient who traveled more than 25 miles to visit the pharmacy. The distance here is calculated from the center of the patient's zip code to the center of the pharmacy's zip code. [P]

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<sup>44</sup> It is my understanding that each of the prescription flagging criteria, or each sub-part of the criteria, can be found in or is supported by documents produced by the defendants (including but not limited to defendant's policies, procedures and training materials), DEA guidance and decisions, court decisions, guidance from State Boards of Pharmacy, negotiated consensus documents published by the National Association of the Boards of Pharmacy, and/or by industry trade groups such as the National Association of Chain Drug Stores, medical literature, testimony in In Re: National Prescription Opiate Litigation, Case No. 18-md-2804 (MDL), and/or the Expert Report of Carmen Catizone. A non-exhaustive list of examples such support can be found at Appendix 12.

<sup>45</sup> The de-identified patient code cannot be viewed or compared across all Defendant Data.

<sup>46</sup> I report the results of the 43 algorithms two ways. First, I report only the specific dispensed prescriptions or sets of dispensed prescriptions identified by the algorithm. I also report the specific dispensed prescriptions or sets of dispensed prescriptions identified by the algorithm and any opioid prescription thereafter either dispensed to the patient denoted with a "P" or written by the prescriber denoted with a "D".

- 2) An opioid was dispensed to a patient who traveled more than 25 miles to visit their prescriber. The distance here is calculated from the center of the patient's zip code to the center of prescriber's zip code. [P, D]
- 3) Patient was dispensed opioid prescriptions with overlapping days of supply that were written by two or more prescribers. [P]
- 4) Patient was dispensed opioid prescriptions with overlapping days of supply at two or more pharmacies. [P]
- 5) Patient was dispensed an opioid, a benzodiazepine and a muscle relaxer for overlapping days of supply. [P]
- 6) Patient was dispensed an opioid, a benzodiazepine and a muscle relaxer on the same day and all the prescriptions were written by the same prescriber. [P, D]
- 7) Patient was dispensed an opioid and a benzodiazepine within 30 days of one another. [P]
- 8) Patient was dispensed an opioid and a benzodiazepine on the same day and both prescriptions were written by the same prescriber. [P, D]
- 9) Patient was dispensed two short acting opioid drugs on the same day. [P]
- 10) Patient was dispensed an opioid prescription of over 200 MME per day before 2018 or over 50 MME per day after January 1, 2018. [P, D]
- 11) Patient was dispensed an opioid prescription of over 200 MME per day before 2018 or over 90 MME per day after January 1, 2018. [P, D]

- 12) An opioid was dispensed to at least 4 different patients on the same day and the opioid prescriptions were for the same base drug, strength and dosage form and were written by the same prescriber. [P, D]
- 13) An opioid was dispensed to at least 3 different patients within an hour and the opioid prescriptions were for the same base drug, strength and dosage form and were written by the same prescriber. [P, D]
- 14) An opioid prescription was refilled more than 5 days before the patient's previous prescription should have run out. [P]
- 15) A patient was dispensed more than 210 "days of supply" of all opioids combined in a 6-month period. [P]
- 16) A patient was dispensed an opioid and paid cash. [P]
- 17) A patient was dispensed an opioid prescription written by a prescriber located more than 25 miles from the patient **and** the patient was also dispensed either (i) at least 1 other opioid prescription written by the same prescriber on a different day within 30 days of the original opioid prescription or (ii) a benzodiazepine or muscle relaxer prescription written by the same prescriber on the same day as the original opioid prescription was written. [P, D]
- 18) A patient was dispensed opioid prescriptions written by at least 2 different prescribers such that all the opioid prescriptions were written in a 20-day period and at least one of the prescribers is located more than 25 miles from the patient. [P]
- 19) A patient was dispensed opioid prescriptions written by at least 3 different prescribers such that all the opioid prescriptions were written

in a 45-day period and at least one of the prescribers is located more than 25 miles from the patient. [P]

- 20) A patient was dispensed opioid prescriptions written by at least 3 different prescribers such that all the opioid prescriptions were written in a 45-day period. [P]
- 21) A patient was dispensed opioid prescriptions written by at least 3 different prescribers such that all the opioid prescriptions were written in a 60-day period and these prescribers are located in at least 3 different zip codes. [P]
- 22) A patient was dispensed opioid prescriptions by at least 2 different pharmacies such that all the opioid prescriptions were dispensed in a 20-day period and at least one of the pharmacies is located more than 25 miles from the patient. [P]
- 23) A patient was dispensed at least 3 opioid prescriptions by at least 2 different pharmacies such that all the opioid prescriptions were dispensed in a 45-day period and at least one of the pharmacies is located more than 25 miles from the patient. [P]
- 24) A patient was dispensed opioid prescriptions by at least 2 different pharmacies such that all the opioid prescriptions were dispensed in a 45-day period and the pharmacies are located in different zip codes. [P]
- 25) An opioid was dispensed to at least 4 different patients on the same day and the opioid prescriptions were for the same base drug, strength and dosage form and were written by the same prescriber. [P, D]

- 26) An opioid was dispensed to at least 3 different patients within an hour and the opioid prescriptions were for the same base drug, strength and dosage form and were written by the same prescriber. [P, D]
- 27) An opioid was dispensed on the same day by the same pharmacy to at least 2 different patients from the same zip code, which was more than 25 miles away from the pharmacy, and the opioid prescriptions were for the same base drug, strength and dosage form and were paid for using cash. [P]
- 28) An opioid was dispensed on the same day by the same pharmacy to at least 2 different patients from the same zip code, which was more than 25 miles away from the pharmacy, and the opioid prescriptions were for the same base drug, strength and dosage form and were written by the same prescriber. [P, D]
- 29) An opioid prescription was refilled more than 5 days before the patient's previous opioid prescription should have run out. For this test, I was asked to flag only the refill and not the original prescription. [P, D]
- 30) Another opioid prescription was filled more than 5 days before a patient's previous opioid prescription should have run out and the two opioid prescriptions were for the same base drug, strength and dosage form. For this test, I was asked to flag only the subsequent prescription. [P]
- 31) The "days of supply" in any 6-month period for any individual drug/strength/dosage form of opioid dispensed to a patient was greater



than 210 days. For this test, I was asked to calculate separately for each drug/strength/dosage form of opioid the patient received. [P]

- 32) A patient was dispensed more than 90 dosage units of the same opioid base drug, strength and dosage form at least twice in a 20-day period and the patient paid cash for at least one of the prescriptions. [P]
- 33) More than 1 immediate-release opioid and more than 1 extended-release opioid were dispensed to the same patient in a 20-day period. [P]
- 34) At least 3 opioid prescriptions of the same base drug, strength and dosage form were written to the same patient by the same prescriber on the same day. [P, D]
- 35) A patient received opioid prescriptions from the same prescriber on at least 4 dates within a 45-day period. [P, D]
- 36) A prescriber wrote opioid prescriptions to at least 2 patients over a 5-day period, and each patient is located more than 25 miles away from the prescriber. [P, D]
- 37) An opioid prescription that was written by a top 5% prescriber of an opioid drug (same base drug, strength and dosage form), this opioid drug accounted for more than 50% of the opioids prescribed by this prescriber, **and** more than 50% of the patients receiving this opioid drug from this prescriber paid cash at least once. [P, D]
- 38) An opioid and a [benzodiazepine or muscle relaxer] were dispensed to a patient on the same day and both prescriptions were written by the same prescriber. [P, D]

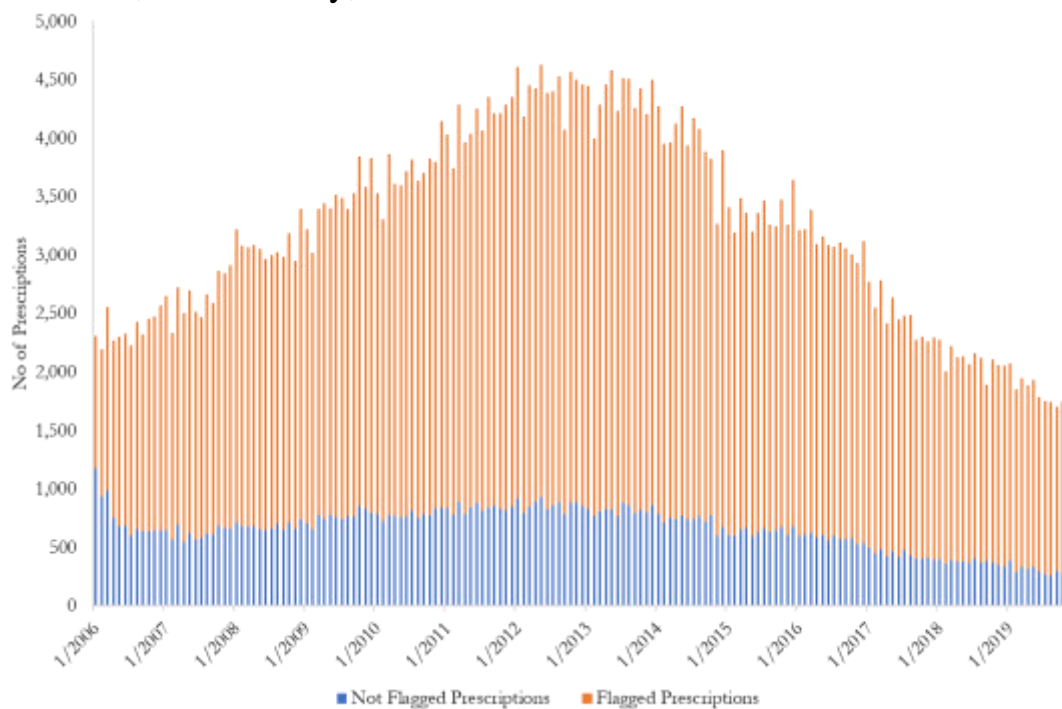
- 39) An opioid, a benzodiazepine and a muscle relaxer were dispensed to a patient on the same day and all the prescriptions were written by the same prescriber. [P, D]
- 40) 3 or more opioid prescriptions were dispensed to a patient on the same day. [P]
- 41) An opioid and a [benzodiazepine or muscle relaxer] were dispensed to a patient within a single day on two different days within a 30-day period. [P]
- 42) At least 2 opioid prescriptions and at least 2 [benzodiazepine or muscle relaxer] prescriptions were dispensed to a patient within a 14-day period. [P]
- 43) At least 3 opioid prescriptions were dispensed to a patient within a 30-day period; and the patient paid cash for each of these prescriptions and had no other non-cash payment transactions for controlled substances during the same 30-day period; and this patient was dispensed at least 2 [benzodiazepine or muscle relaxer] prescriptions in the same 30-day period. [P]

#### **B. Summary on 43 Red Flags, Recurrent**

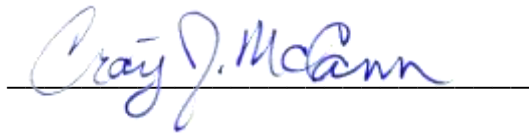
213. For the prescriptions summarized below, if a prescription was flagged by one of the 43 red flags, all subsequent prescriptions dispensed to the same patient and/or written by same prescriber are also flagged. Dispensed opioids that are flagged in this manner are summarized below:

# **1. CVS**

Figure 36 CVS Prescriptions Flagged for Any Reason, 43 Red Flags Recurrent, Lake County, OH



245. I continue to review documents and gather information and reserve the right to update my analysis and opinions based upon that further review of documents and based on any new information including, possibly, reports of other experts - I may receive.

A handwritten signature in blue ink, reading "Craig J. McAnn", is written over a horizontal line.

Signature of Expert